

REMARKS

The Examiner's attention to the present application is noted with appreciation. New claims 35 and 36 have been added to further specify one embodiment of the invention. Applicant gratefully acknowledges the allowance of claims 8-10, 18-20, and 29-34, and the allowance of claims 5, 15, and 21-28 if rewritten in independent form. However, applicant submits that all claims as amended in the present invention are allowable, per the following remarks.

The Examiner rejected claims 1 and 11-12 under 35 U.S.C. 102(a) as being anticipated by the Cyber-Journal of Sport Marketing reference. The Examiner also rejected claims 2-4, 6, 13-14, and 16 under 35 U.S.C. 103(a) as being unpatentable over the Cyber-Journal of Sport Marketing reference in view of Waechter et al. The rejections are respectfully traversed, particularly as to the claims as amended. All of the claims as amended require that after the subjects are shown a video presentation, they are asked if they recognize any of a plurality of still images obtained from the video presentation. Contrary to the Examiner's assertion in paragraph 4 of the Office Action, none of the art cited by the Examiner discloses showing the subjects a plurality of still images obtained from a video presentation. Page 3 of the Cyber-Journal reference, under "Methodology", states: "Immediately after the viewing, subjects were asked to identify game sponsors *from a list of actual advertisers and sponsors.*" (Emphasis added.) The subjects were not shown still images from the video, but rather shown a list of advertisers and sponsors. Although the disclosed video presentation contains "imbedded sponsor mentions", only a list of sponsors, *not still images*, is subsequently shown to the subjects according to the cited reference. Even if the "imbedded sponsor mentions" were subsequently shown to the subjects (which hypothetical method is *not* disclosed in the reference), this would not be the same as showing the subjects still images obtained from the video. Thus, according to MPEP §2131, the Cyber-Journal reference does not anticipate: "'A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)." Further, since all the claim

limitations are not taught or suggested by the prior art, *prima facie* obviousness has not been established per MPEP § 2143.03.


In view of the above amendments and remarks, it is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned agent for Applicant at the telephone number listed below.

Also being filed herewith is a Petition for Extension of Time to October 17, 2005 with the appropriate fee. Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213. A duplicate of the Petition paper is enclosed for accounting purposes.

Respectfully submitted,

By:


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